

REFERENCE TITLE: courts; personnel and volunteers; fingerprinting

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1047

Introduced by
Senator Huppenthal; Representative Sinema; Senator Cannell;
Representatives Anderson, Gallardo, Lujan, McComish, Nelson

AN ACT

AMENDING SECTIONS 12-102 AND 12-323, ARIZONA REVISED STATUTES; RELATING TO FINGERPRINTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 12-102, Arizona Revised Statutes, is amended to
3 read:

4 12-102. Jurisdiction and duties; court appointments; contract
5 and volunteer service providers; background
6 investigations; fingerprinting

7 A. The supreme court shall discharge the duties imposed and exercise
8 the jurisdiction conferred by the constitution and by law.

9 B. As a condition of appointment to any paid position in the judicial
10 department that is defined as a noncriminal justice agency under federal law,
11 including nomination for judicial office by the commissions on appellate and
12 trial court appointments pursuant to article VI, sections 37 and 41,
13 Constitution of Arizona, the court shall require each applicant to furnish a
14 full set of fingerprints to enable the court to conduct a criminal background
15 investigation to determine the suitability of the applicant. The court shall
16 submit the completed applicant fingerprint card to the department of public
17 safety. The applicant shall bear the cost of obtaining the applicant's
18 criminal history RECORD information. The cost shall not exceed the actual
19 cost of obtaining the applicant's criminal history RECORD information.
20 Applicant criminal history records checks shall be conducted pursuant to
21 section 41-1750 and Public Law 92-544. The department of public safety is
22 authorized to exchange the submitted applicant fingerprint card information
23 with the federal bureau of investigation for a national criminal history
24 records check.

25 C. THE COURT MAY REQUIRE EACH PERSON WHO PROVIDES CONTRACT OR
26 VOLUNTEER SERVICES IN THE JUDICIAL DEPARTMENT THAT IS DEFINED AS A
27 NONCRIMINAL JUSTICE AGENCY UNDER FEDERAL LAW TO FURNISH A FULL SET OF
28 FINGERPRINTS TO ENABLE THE COURT TO CONDUCT A CRIMINAL BACKGROUND
29 INVESTIGATION. THE COURT SHALL SUBMIT THE PERSON'S COMPLETED FINGERPRINT
30 CARD TO THE DEPARTMENT OF PUBLIC SAFETY. THE PERSON SHALL BEAR THE COST OF
31 OBTAINING THE PERSON'S CRIMINAL HISTORY RECORD INFORMATION. THE COST SHALL
32 NOT EXCEED THE ACTUAL COST OF OBTAINING THE PERSON'S CRIMINAL HISTORY RECORD
33 INFORMATION. CRIMINAL HISTORY RECORDS CHECKS SHALL BE CONDUCTED PURSUANT TO
34 SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY IS
35 AUTHORIZED TO EXCHANGE THE PERSON'S SUBMITTED FINGERPRINT CARD INFORMATION
36 WITH THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
37 RECORDS CHECK.

38 Sec. 2. Section 12-323, Arizona Revised Statutes, is amended to read:

39 12-323. Certificate of admission to the practice of law;
40 certified copies of papers; background investigation

41 A. The clerk of the supreme court shall receive the following fees:

42 1. FOR each certificate of admission to the bar PRACTICE OF LAW, a fee
43 pursuant to section 12-119.01.

44 2. FOR each certified copy of any record, any opinion of court or any
45 paper or proceedings, for each folio, a fee pursuant to section 12-119.01.

1 B. ~~As a condition of admission to the bar,~~ The supreme court shall
2 require each ~~applicant~~ PERSON WHO APPLIES FOR CERTIFICATION OR LICENSURE TO
3 PRACTICE LAW to furnish a full set of fingerprints to enable a criminal
4 background investigation to be conducted to determine the suitability of the
5 applicant. The completed applicant fingerprint card shall be submitted with
6 the fee prescribed in section 41-1750 to the department of public safety.
7 The applicant shall bear the cost of obtaining the applicant's criminal
8 history RECORD information. The cost shall not exceed the actual cost of
9 obtaining the applicant's criminal history RECORD information. Applicant
10 criminal history records checks shall be conducted pursuant to section
11 41-1750 and Public Law 92-544. The department of public safety is authorized
12 to exchange the submitted applicant fingerprint card information with the
13 federal bureau of investigation for a national criminal history records
14 check.